



General Assembly

January Session, 2005

**Amendment**

LCO No. 8211

\*HB0684108211SR0\*

Offered by:  
SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. House Bill No. 6841

File No. 655

Cal. No. 642

**"AN ACT CONCERNING THE REAL ESTATE CONVEYANCE TAX."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 12-494 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) There is imposed a tax on each deed, instrument or writing,  
6 whereby any lands, tenements or other realty is granted, assigned,  
7 transferred or otherwise conveyed to, or vested in, the purchaser, or  
8 any other person by his direction, when the consideration for the  
9 interest or property conveyed equals or exceeds two thousand dollars,  
10 (1) subject to the provisions of subsection (b) of this section, at the rate  
11 of [five-tenths] thirty-six one hundredths of one per cent of the  
12 consideration for the interest in real property conveyed by such deed,  
13 instrument or writing, the revenue from which shall be remitted by the  
14 town clerk of the municipality in which such tax is paid, not later than  
15 ten days following receipt thereof, to the Commissioner of Revenue

16 Services for deposit to the credit of the state General Fund, and (2) at  
17 the rate of one-fourth of one per cent of the consideration for the  
18 interest in real property conveyed by such deed, instrument or writing,  
19 and on and after July 1, [2005] 2007, at the rate of eleven one-  
20 hundredths of one per cent of the consideration for the interest in real  
21 property conveyed by such deed, instrument or writing, provided the  
22 amount imposed under this subdivision shall become part of the  
23 general revenue of the municipality in accordance with section 12-499.

24 (b) The rate of tax imposed under subdivision (1) of subsection (a) of  
25 this section shall, in lieu of the rate under said subdivision (1), be  
26 imposed on certain conveyances as follows: (1) In the case of any  
27 conveyance of real property which at the time of such conveyance is  
28 used for any purpose other than residential use, except unimproved  
29 land, the tax under said subdivision (1) shall be imposed at the rate of  
30 eighty-six one hundredths of one per cent of the consideration for the  
31 interest in real property conveyed; (2) in the case of any conveyance in  
32 which the real property conveyed is a residential estate, including a  
33 primary dwelling and any auxiliary housing or structures, regardless  
34 of the number of deeds, instruments or writings used to convey such  
35 residential real estate, for which the consideration or aggregate  
36 consideration, as the case may be, in such conveyance is eight hundred  
37 thousand dollars or more, the tax under said subdivision (1) shall be  
38 imposed (A) at the rate of one-half of one per cent on that portion of  
39 such consideration up to and including the amount of eight hundred  
40 thousand dollars, and (B) at the rate of one per cent on that portion of  
41 such consideration in excess of eight hundred thousand dollars; and  
42 (3) in the case of any conveyance in which real property on which  
43 mortgage payments have been delinquent for not less than six months  
44 is conveyed to a financial institution or its subsidiary which holds such  
45 a delinquent mortgage on such property, the tax under said  
46 subdivision (1) shall be imposed at the rate of one-half of one per cent  
47 of the consideration for the interest in real property conveyed.

48 (c) In addition to the tax imposed under subsection (a) of this  
49 section, any targeted investment community, as defined in section 32-

222, or any municipality in which properties designated as manufacturing plants under section 32-75c are located, may, on or after March 15, 2003, impose an additional tax on each deed, instrument or writing, whereby any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration for the interest or property conveyed equals or exceeds two thousand dollars, which additional tax shall be at [the] a rate of up to one-fourth of one per cent of the consideration for the interest in real property conveyed by such deed, instrument or writing. The revenue from such additional tax shall become part of the general revenue of the municipality in accordance with section 12-499.

Sec. 2. Section 22a-243 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005, and applicable to sales occurring on or after July 1, 2005*):

For purposes of sections 22a-243 to 22a-245, inclusive:

(1) "Beverage" means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption;

(2) "Beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a beverage;

(3) "Consumer" means every person who purchases a beverage in a beverage container for use or consumption;

(4) "Dealer" means every person who engages in the sale of beverages in beverage containers to a consumer;

(5) "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sale and includes a dealer who engages in the sale of beverages in beverage containers on which no deposit has been collected prior to retail sale;

80 (6) "Manufacturer" means every person bottling, canning or  
81 otherwise filling beverage containers for sale to distributors or dealers;

82 (7) "Place of business of a dealer" means the location at which a  
83 dealer sells or offers for sale beverages in beverage containers to  
84 consumers;

85 (8) "Redemption center" means any facility established to redeem  
86 empty beverage containers from consumers or to collect and sort  
87 empty beverage containers from dealers and to prepare such  
88 containers for redemption by the appropriate distributors;

89 (9) "Use or consumption" includes the exercise of any right or power  
90 over a beverage incident to the ownership thereof, other than the sale  
91 or the keeping or retention of a beverage for the purposes of sale;

92 (10) "Nonrefillable beverage container" means a beverage container  
93 which is not designed to be refilled and reused in its original shape;

94 (11) "Deposit initiator" means the first distributor who is not a  
95 manufacturer to sell a beverage container in this state or a  
96 manufacturer who sells a beverage container to a person who sells a  
97 beverage container.

98 Sec. 3. (NEW) (*Effective from passage, and applicable to sales occurring*  
99 *on or after July 1, 2005*) (a) Each deposit initiator shall open a special  
100 interest-bearing account to the credit of the deposit initiator. Each  
101 deposit initiator shall invest in such account an amount equal to the  
102 refund value established pursuant to subsection (a) of section 22a-244  
103 of the general statutes for each beverage container sold by such deposit  
104 initiator. Such investment shall be made not more than three days after  
105 the date such beverage container was sold. All interest, dividends and  
106 returns earned on the special account shall be paid directly into such  
107 account. Such moneys shall be kept separate and apart from all other  
108 moneys in the possession of the deposit initiator.

109 (b) Not later than July 1, 2005, the Commissioner of Revenue

110 Services shall adopt regulations, in accordance with the provisions of  
111 chapter 54 of the general statutes, to establish an accounting system for  
112 the withdrawal of moneys from the deposit initiator's special account.  
113 Any reimbursement of the refund value for a redeemed beverage  
114 container shall be paid from the deposit initiator's special account in  
115 the manner prescribed in said accounting system.

116 (c) Each deposit initiator shall submit a report not later than October  
117 31, 2005, for the calendar quarter ending September 30, 2005, and one  
118 month after the close of each calendar quarter thereafter, to the  
119 Commissioner of Environmental Protection, on a form prescribed by  
120 the commissioner and with such information the commissioner deems  
121 necessary, including, but not limited to: (1) The balance in the deposit  
122 initiator's special account at the beginning of the quarter for which the  
123 report is prepared; (2) a list of all deposits credited to such account  
124 during such quarter, including all refund values paid to the deposit  
125 initiator and all interest, dividends or returns received on the account;  
126 (3) a list of all withdrawals from such account during such quarter, all  
127 service charges and overdraft charges on the account and all payments  
128 made pursuant to subsection (d) of this section; and (4) the balance in  
129 the account at the close of the quarter for which the report is prepared.

130 (d) Not later than October 31, 2005, for the calendar quarter ending  
131 September 30, 2005, and one month after the close of each calendar  
132 quarter thereafter, each deposit initiator (1) shall pay one-half of the  
133 balance outstanding in the special account to the Commissioner of  
134 Environmental Protection for deposit in the General Fund, and (2)  
135 shall withdraw the remaining one-half of such balance. If the amount  
136 of the required payment to said commissioner pursuant to this  
137 subsection is not paid within seven days after it is due, a penalty of ten  
138 per cent of the amount due shall be added to the amount due and an  
139 additional five per cent penalty shall be added for each day thereafter  
140 that such payment is not submitted. Such penalties shall not be paid  
141 from funds maintained in the special account.

142 (e) If moneys deposited in the special account are insufficient to pay

143 for withdrawals authorized pursuant to subsection (b) of this section,  
 144 such deficiency shall be added, with interest, to the succeeding  
 145 payment due pursuant to subsection (d) of this section.

146 (f) The State Treasurer may, independently or upon request of the  
 147 commissioner, examine the accounts and records of any deposit  
 148 initiator referring to accounts and records maintained under sections  
 149 22a-243 to 22a-245, inclusive, of the general statutes, as amended by  
 150 this act, including receipts, disbursements and such other items as the  
 151 Treasurer deems appropriate. The Treasurer may assess a surcharge in  
 152 the amount of ten per cent per annum for any audit adjustments to  
 153 accounts or records maintained under said sections 22a-243 to 22a-245,  
 154 inclusive, and this section, during any fiscal year, and ten per cent per  
 155 annum, together with interest, for any underpayment of the payment  
 156 established by subsection (d) of this section. Such penalties shall not be  
 157 paid from funds maintained in the special account.

158 (g) The Attorney General may, independently or upon complaint of  
 159 the commissioner, institute any appropriate action or proceeding to  
 160 enforce any provision of this section or any regulation adopted  
 161 pursuant to subsection (b) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	12-494
Sec. 2	<i>July 1, 2005, and applicable to sales occurring on or after July 1, 2005</i>	22a-243
Sec. 3	<i>from passage, and applicable to sales occurring on or after July 1, 2005</i>	New section